

Christopher Seidman (CS7816)
Harmon & Seidman LLC
101 South Third Street, Suite 265
Grand Junction, Colorado 81501
Tel: (970) 245-9075
Fax: (970) 245-8086
E-mail: chris@harmonseidman.com

Maurice Harmon (*pro hac vice*)
Harmon & Seidman LLC
11 Chestnut Street
New Hope PA 18938
(917) 561-4434
maurice@harmonseidman.com

Autumn Witt Boyd (*pro hac vice*)
Harmon & Seidman LLC
P.O. Box 4932
Chattanooga, TN 37405
Tel 423-756-6013
Fax 423-752-1469
autumn@harmonseidman.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUENCH PHOTOGRAPHY, INC.,	:	ECF CASE
	:	
Plaintiff,	:	
	:	No. 12-cv-06595-LAP
v.	:	
	:	
	:	
McGRAW-HILL GLOBAL EDUCATION	:	
HOLDINGS, LLC, and McGRAW-HILL SCHOOL	:	
EDUCATION HOLDINGS, LLC,	:	
	:	
Defendants.	:	
	:	
-----X		

**NOTICE OF MOTION BY PLAINTIFF FOR AN ORDER CERTIFYING
INTERLOCUTORY APPEAL**

PLEASE TAKE NOTICE that Plaintiff Muench Photography, Inc. (“Muench”) will and hereby does move the Court for an Order certifying an interlocutory appeal from the Court’s October 9, 2012 Order in which the Court denied Muench leave to file a proposed First Amended Complaint asserting certain copyright infringement claims against Defendant The McGraw Hill Companies, Inc. (Defendants McGraw-Hill Global Education Holdings, LLC and McGraw-Hill School Education Holdings, LLC were subsequently substituted as real parties in interest and named Defendants). Specifically, Muench seeks an Order amending the October 9, 2012 Order to include a statement by the Court that the October 9, 2012 Order “involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the October 9, 2012 Order may materially advance the ultimate termination of the litigation.”

This Motion is made pursuant to 28 U.S.C. § 1292(b) on grounds that the October 9, 2012 Order involves a controlling question of law as to which there is substantial ground for difference of opinion and an immediate appeal from the October 9, 2012 Order may materially advance the ultimate termination of the litigation. This Motion shall be based upon this Notice, the concurrently-filed Memorandum in Support of the Motion, the Proposed Order that Plaintiff’s counsel will email to the Clerk of the Court, all prior pleadings and proceedings in this case, and argument at any hearing on the Motion that is ordered by the Court.

This Motion follows the “Pre-Motion Conference” required by the Rule 2.A of the Individual Practices of the Honorable Chief Judge Loretta A. Preska. On September 26, 2013 the Court ordered the following briefing schedule: Plaintiff’s brief due: October 25, 2013; Defendant’s response brief due: November 22, 2013; and Plaintiff’s reply brief due: December 6, 2013. Plaintiff is submitting herewith a letter to the Court requesting oral argument. Pursuant to

Rule 2.E of Judge Preska's Individual Practices, the Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

DATED: October 25, 2013

s/ Christopher Seidman

Christopher Seidman
Harmon & Seidman LLC
P.O. Box 3207
Grand Junction, CO 81502
Tel: (970) 245-9075
Fax: (970) 245-8086
Email: chris@harmonseidman.com

Maurice Harmon (*pro hac vice*)

Harmon & Seidman LLC
11 Chestnut Street
New Hope PA 18938
Tel: (917) 561-4434
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Autumn Witt Boyd (*pro hac vice*)

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P.O. Box 4932
Chattanooga, TN 37405
Tel: (423) 756-6013
Fax: (423) 752-1469
autumn@harmonseidman.com

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2013, I caused the foregoing **NOTICE OF MOTION BY PLAINTIFF FOR AN ORDER CERTIFYING INTERLOCUTORY APPEAL** to be filed via the CM/ECF system, which will serve a Notice of Electronic Filing to all counsel of record.

s/ Autumn Witt Boyd

Autumn Witt Boyd